

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent application of:)
)
Douglas G. Nelson) Examiner: Timothy D. Collins
)
Serial No.: To Be Assigned) Group Art Unit: 3643
)
Filed: October 10, 2003)
)
For: *Anti-Hijacking System Operable in*)
Emergencies to Deactivate On-Board)
Flight Controls and to Remotely)
Pilot Aircraft Utilizing Autopilot)

TERMINAL DISCLAIMER

Honorable Commissioner for Patents
Alexandria, Virginia 22313-1450

Dear Sir:

I, Michael H. Jester, am a registered patent attorney, and I represent CUBIC DEFENSE SYSTEMS, a California corporation, hereinafter referred to as "CUBIC." Said CUBIC is the owner of all right, title and interest in and to the above-captioned application and the invention claimed therein. Said ownership is based on an ASSIGNMENT recorded in the USPTO at Reel 012381, Frame 0773. Said CUBIC is also the owner of all right, title and interest in and to U.S. Patent Application Serial No. 09/974,545 filed October 9, 2001. The above-captioned application is a continuation of said USSN 09/974,545. Said CUBIC disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-captioned continuation application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of the U.S. Patent expected to be imminently granted based on USSN 09/974,545. Said CUBIC hereby agrees that any patent so granted on the above-captioned continuation application will be

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enforceable only for and during such period that it and the U.S. Patent expected to be imminently granted based on USSN 09/974,545 are commonly owned. This agreement runs with any patent granted on this continuation application and is binding upon the grantee, its successors or assigns. In making the above disclaimer, CUBIC does not disclaim the terminal part of any patent granted on the above-captioned continuation application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the U.S. Patent expected to be imminently granted based on USSN 09/974,575 as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned represents that he has full authority as the attorney for said CUBIC to make this terminal disclaimer on behalf of his client. A check including the fee amount of \$110.00 is transmitted herewith to cover the statutory disclaimer fee.

Respectfully submitted,



Dated: October 10, 2003

By: Michael H. Jester
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